

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
LITTLE ROCK DIVISION**

JAMES RYAN RODGERS,
ADC #109916

PLAINTIFF

V. 4:07CV00275 JMM

SEXTON FOODS DEFENDANT

ORDER

The Court has reviewed the Proposed Findings and Recommended Disposition submitted by United States Magistrate Judge J. Thomas Ray. No objections have been filed. After careful review, the Court concludes that the Proposed Findings and Recommended Disposition should be, and hereby are, approved and adopted in their entirety as this Court's findings in all respects.

IT IS THEREFORE ORDERED THAT:

1. Pursuant to the screening function mandated by 28 U.S.C. § 1915A, Plaintiff's § 1983 Complaint (docket entry #2) is DISMISSED, WITH PREJUDICE, for failing to state a claim upon which relief may be granted.

2. The dismissal of this action CONSTITUTES a "strike," as defined by 28 U.S.C. § 1915(g).

3. The Court CERTIFIES, pursuant to 28 U.S.C. § 1915(a)(3), that an *informa pauperis* appeal from this Order and accompanying Judgment would not be taken in good faith.

Dated this 14 day of May, 2007.


UNITED STATES DISTRICT JUDGE

